

REFERENCE TITLE: **clean elections; commissioner removal**

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HB 2839

Introduced by
Representatives Murphy: Gray C, Groe, Pierce, Quelland, Reagan

AN ACT

AMENDING SECTION 16-955, ARIZONA REVISED STATUTES; RELATING TO THE CITIZENS CLEAN ELECTIONS COMMISSION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Subject to the requirements of article IV, part 1, section
3 1, subsection (6), Constitution of Arizona, section 16-955, Arizona Revised
4 Statutes, is amended to read:

5 16-955. *Citizens clean elections commission: structure*

6 A. The citizens clean elections commission is established consisting
7 of five members. No more than two members of the commission shall be members
8 of the same political party. No more than two members of the commission
9 shall be residents of the same county. No one shall be appointed as a member
10 who does not have a registration pursuant to chapter 1 of this title that has
11 been continuously recorded for at least five years immediately preceding
12 appointment with the same political party or as an independent.

13 B. The commission on appellate court appointments shall nominate
14 candidates for vacant commissioner positions who are committed to enforcing
15 this article in an honest, independent,~~—~~ and impartial fashion and to seeking
16 to uphold public confidence in the integrity of the electoral system. Each
17 candidate shall be a qualified elector who has not, in the previous five
18 years in this state, been appointed to, been elected to~~—~~ or run for any
19 public office, including precinct committeeman, or served as an officer of a
20 political party.

21 C. Initially, the commission on appellate court appointments shall
22 nominate five slates, each having three candidates, before January 1, 1999.
23 No later than February 1, 1999, the governor shall select one candidate from
24 one of the slates to serve on the commission for a term ending January 31,
25 2004. Next, the highest-ranking official holding a statewide office who is
26 not a member of the same political party as the governor shall select one
27 candidate from another one of the slates to serve on the commission for a
28 term ending January 31, 2003. Next, the second-highest-ranking official
29 holding a statewide office who is a member of the same political party as the
30 governor shall select one candidate from one of the three remaining slates to
31 serve on the commission for a term ending January 31, 2002. Next, the
32 second-highest-ranking official holding a statewide office who is not a
33 member of the same political party as the governor shall select one candidate
34 from one of the two remaining slates to serve on the commission for a term
35 ending January 31, 2001. Finally, the third-highest-ranking official holding
36 a statewide office who is a member of the same political party as the
37 governor shall elect one candidate from the last slate to serve on the
38 commission for a term ending January 31, 2000. For ~~purpose~~ THE PURPOSES of
39 this section, the ranking of officials holding statewide office shall be
40 governor, secretary of state, attorney general, treasurer, superintendent of
41 public instruction, corporation commissioners in order of seniority, mine
42 inspector, the members of the supreme court in order of seniority, senate
43 majority and minority leaders~~—~~ and house majority and minority leaders.

1 D. One commissioner shall be appointed for a five-year term beginning
2 February 1 of every year beginning with the year 2000. The commission on
3 appellate court appointments shall nominate one slate of three candidates
4 before January 1 of each year beginning in the year 2000, and the governor
5 and the highest-ranking official holding a statewide office who is not a
6 member of the same political party as the governor shall alternate filling
7 such vacancies. The vacancy in the year 2000 shall be filled by the
8 governor.

9 E. Members of the commission may be removed by the ~~governor, with~~
10 ~~concurrence of the senate,~~ HOUSE OF REPRESENTATIVES for substantial neglect
11 of duty, gross misconduct in office, inability to discharge the powers and
12 duties of office, KNOWINGLY CASTING A VOTE IN AN ENFORCEMENT ACTION THAT
13 CONFLICTS WITH THE PLAIN LANGUAGE MEANING OF THIS ARTICLE OR RULES ADOPTED
14 PURSUANT TO THIS ARTICLE, VIOLATION OF THE CONFLICT OF INTEREST LAWS or
15 violation of this section, after written notice and opportunity for a
16 response. ANY PERSON MAY FILE A COMPLAINT REGARDING A COMMISSION MEMBER WITH
17 THE OFFICE OF THE SECRETARY OF STATE WHO SHALL DETERMINE WHETHER THE
18 COMPLAINT HAS LEGAL MERIT, AND IF SO, THE COMPLAINT SHALL BE FORWARDED TO THE
19 HOUSE OF REPRESENTATIVES FOR CONSIDERATION AND RESOLUTION.

20 F. If a commissioner does not complete ~~his or her~~ THE COMMISSIONER'S
21 term of office for any reason, the commission on appellate court appointments
22 shall nominate one slate of three candidates as soon as possible in the first
23 thirty days after the commissioner vacates ~~his or her~~ THE COMMISSIONER'S
24 office and a replacement shall be selected from the slate within thirty days
25 of nomination of the slate. The highest-ranking official holding a statewide
26 office who is a member of the political party of the official who nominated
27 the commissioner who vacated office shall nominate the replacement, who shall
28 serve as commissioner for the unexpired portion of the term. A vacancy or
29 vacancies shall not impair the right of the remaining members to exercise all
30 of the powers of the board.

31 G. Commissioners are eligible to receive compensation in an amount of
32 two hundred dollars for each day on which the commission meets and
33 reimbursement of expenses pursuant to title 38, chapter 4, article 2.

34 H. The commissioners shall elect a chair to serve for each
35 calendar-year period from among their members whose terms expire after the
36 conclusion of that year. Three commissioners shall constitute a quorum.

37 I. A member of the commission shall serve no more than one term and is
38 not eligible for reappointment. No commissioner, during ~~his or her~~ THE
39 COMMISSIONER'S tenure or for three years thereafter, shall seek or hold any
40 other public office, serve as an officer of any political committee, or
41 employ or be employed as a lobbyist.

42 J. The commission shall appoint an executive director who shall not be
43 a member of the commission and who shall serve at the pleasure of the
44 commission. The executive director is eligible to receive compensation set
45 by the board within the range determined under section 38-611. The executive

1 director, subject to title 41, chapter 4, articles 5 and 6, shall employ,
2 determine the conditions of employment,~~—~~ and specify the duties of
3 administrative, secretarial,~~—~~ and clerical employees as the director deems
4 necessary.

5 Sec. 2. Requirements for enactment: three-fourths vote

6 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
7 section 16-955, Arizona Revised Statutes, as amended by this act, is
8 effective only on the affirmative vote of at least three-fourths of the
9 members of each house of the legislature.